

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CHARLES FULTON §
VS. § CIVIL ACTION NO. 1:09CV758
PATRICIA VINES, ET AL §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Charles Fulton, an inmate formerly confined at FCC Beaumont, proceeding *pro se*, filed this action against Patricia Vines, Jody R. Upton, Shelli Ray, Oscar Salinas, and the U.S. Parole Commission.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed.

The court has received and considered the Report and Recommendation of the United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See Fed. R. Civ. P. 72(b)*. After careful consideration, the court finds the objections lacking in merit. As the magistrate judge correctly concluded, Plaintiff's *Bivens* claims are barred by *Heck v. Humphrey*, 512 U.S. 477, 114 S. Ct. 2364 (1994). Furthermore, Plaintiff's FTCA claim is barred by the applicable statute of limitations, and Plaintiff has failed to demonstrate sufficient grounds to warrant equitable tolling.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate

judge's recommendations.

So **ORDERED** and **SIGNED** this **8** day of **March, 2011.**



Ron Clark, United States District Judge